

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

DEMCHAK PARTNERS LIMITED  
PARTNERSHIP; JAMES P. BURGER, JR. and  
BARBARA H. BURGER; WILLIAM A.  
BURKE, II and CLARA BURKE; WILLIAM  
A. BURKE, III; EDWARD J. BURKE;  
DONALD G. FULLER and KAREN M.  
FULLER; RANDY K. HEMERLY; LAMAR R.  
KING; LINDA J. SCHLICK; AND JANET C.  
YOUNG, on Behalf of Themselves and All  
Others Similarly Situated,

Plaintiffs,

and

RUSSELL E. BURKETT and GAYLE  
BURKETT,

Plaintiffs-Intervenors,

v.

CHESAPEAKE APPALACHIA, L.L.C.,

Defendant.

Case No. 3:13-cv-2289

**JOINT STATUS REPORT**

Pursuant to the Court's July 11, 2016 Order and the March 22, 2017 Order (collectively, the "Orders"), *see* ECF Nos. 161 & 173, Class Counsel and counsel for Defendant Chesapeake Appalachia, L.L.C. ("Chesapeake") hereby provide this joint status report:

1. The parties incorporate the report they provided to the Court during the December 20, 2017, status conference. *See* ECF Nos. 185, 186.

2. The parties are actively addressing specific issues related to a potential resolution of the claims in this litigation, and will keep the Court apprised of any material developments.

3. Counsel for all parties in the matter captioned *Commonwealth of Pennsylvania v. Chesapeake Energy Corp.*, No. 2015IR0069 (Pa. Ct. Com. Pl., Bradford Cty.), including the Commonwealth, attended settlement conferences with Senior Judge Brown on February 21, 2018, May 10, 2018, August 10, 2018, and September 18, 2018.

4. On November 14, 2018 in an en banc sitting, the Commonwealth Court heard oral argument in the appeal captioned *Chesapeake Energy Corp. v. Commonwealth of Pennsylvania*, No. 60 C.D. 2018 from the December 14, 2017 decision of the Court of Common Pleas of Bradford County denying the Chesapeake Defendants' Preliminary Objections to the Second Amended Complaint.

5. On March 15, 2019, the Commonwealth Court affirmed in part and reversed in part the December 14, 2017 decision of the Court of Common Pleas of Bradford County denying the Chesapeake Defendants' Preliminary Objections to the Second Amended Complaint. On October 30, 2019, the Pennsylvania Supreme

Court granted the Chesapeake Defendants' Petition for Allowance of Appeal. The issues to be addressed by the Pennsylvania Supreme Court are:

Are claims by the Commonwealth, brought on behalf of private landowners against natural gas extractors alleging that the extractors used deceptive, misleading, and unfair tactics in securing natural gas leases from landowners, cognizable under the Unfair Trade Practices and Consumer Protection Law?

May the Commonwealth pursue antitrust remedies under the Unfair Trade Practices and Consumer Protection Law?

On January 9, 2020, Chesapeake filed its opening brief with the Pennsylvania Supreme Court.

Dated: January 31, 2020

Respectfully submitted,

By: /s/ Michelle R. O'Brien (with permission)

Charles E. Schaffer  
LEVIN, FISHBEIN, SEDRAN & BERMAN  
510 Walnut Street, Suite 500  
Philadelphia, PA 19106  
Telephone: (215) 592-1500  
Facsimile: (215) 592-4663  
CSchaffer@lfsblaw.com

Michelle R. O'Brien  
THE O'BRIEN LAW GROUP LLC  
4099 Birney Avenue  
Moosic, PA 18507  
Telephone: (570) 575-2094  
Facsimile: (570) 309-0147  
mobrien@theobrienlawgroup.com

Charles J. LaDuca  
CUNEO GILBERT & LADUCA, LLP  
8120 Woodmont Ave., Ste. 810  
Bethesda, MD 20814  
Telephone: (202) 789-3960  
Facsimile: (202) 789-1813  
charles@cuneolaw.com

David S. Stellings (*Pro Hac Vice*)  
LIEFF, CABRASER, HEIMANN &  
BERNSTEIN, LLP  
250 Hudson Street, 8th Floor  
New York, NY 10013-1413  
Telephone: (212) 355-9500  
Facsimile: (212) 355-9592  
dstellings@lchb.com

Larry D. Moffett (*Pro Hac Vice*)  
LAW OFFICE OF LARRY D. MOFFETT,  
PLLC  
2086 Old Taylor Road, Suite 1012  
P.O. Box 1418  
Oxford, MS 38655  
Telephone: (662) 298-4435  
larry@larrymoffett.com

John W. ("Don") Barrett (*Pro Hac Vice*)  
Barrett Law Group  
Post Office Drawer 927  
Lexington, MS 39095  
Telephone: (662) 834-2488  
Facsimile: (662) 834-2628  
dbarrett@barrettlawgroup.com

*Attorneys for Demchak Plaintiffs and the Settlement Class*

Daniel T. Brier  
MYERS, BRIER & KELLY LLP  
425 Spruce St. Suite 200  
Scranton, PA 18501  
Telephone: (570) 342-6100  
Facsimile: (570) 342-6147

*/s/ Daniel T. Donovan*

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Daniel T. Donovan (*Pro Hac Vice*)  
Ragan Naresh (*Pro Hac Vice*)  
KIRKLAND & ELLIS LLP  
655 Fifteenth Street, NW  
Washington, DC 20005  
Telephone: (202) 879-5000  
Facsimile: (202) 879-5200

*Attorneys for Defendant Chesapeake Appalachia, L.L.C.*

### **CERTIFICATE OF SERVICE**

I hereby certify that on January 31, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties who have appeared in this action via the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Daniel T. Donovan

Daniel T. Donovan

*Counsel for Defendant*